

Ferrell Darnay Scott  
#27797-177  
U.S.P. Allenwood  
P.O. Box 3000  
White Deer, PA 17887

January, 2, 2018

SMU Dedman School of Law  
Deason Family Criminal Justice Reform Center  
Attn. Brittany K. Barnett  
P.O. Box 750416  
Dallas, Texas 75275

Hello Britt, Hope you are doing well by the time you receive this letter. As for me I'm doing okay, I guess. Sorry it has taken me so long to get this back to you but I have been really going through it. I have been diagnosed as being depressed. When the doctor told me that I was like hell I've been depressed for a long time. She wants me to start taking some type of medication but I refused. Then she said that my mental health is important and I was like whoa I'm not crazy I just miss my family dearly along with my freedom.

Britt, I have never been locked up this long in my life. The longest I've ever been incarcerated is 30 months and I must say that this has begun to take a toll on me. The most stressful thing is that my mom is 94 years old and I worry that I will never get to see her again. My dad died 6 years ago on this date (1-2-12) which happens to be my birthday, so this day has been bittersweet ever since. I haven't seen anyone in my family for a decade. As I said I miss them so much.

My kids are all grown up now. They were just teens when I left. I know that they have been affected so much by me not being there for them. Just knowing that hurts my heart. I remember when I was being sentenced that one of the prosecutors (not Sam) said that I could still be there for my kids by talking to them on the phone. I remember thinking that he was absolutely crazy if he thinks talking on the phone to my kids is the same as being there for them. I could not believe he said that. I wondered if he actually believed that himself. It makes me so angry to revisit that day in court so with that being said I'm gonna stop.

Britt, I'm enclosing a copy of the clemency application that was filed by NYU with hopes that you will refile it for me. I would do it myself but I don't have a copy of the letter that Sam wrote for me. I was wondering if you could get him to write another letter for me to put with the application? I like what they did with that clemency petition and would like for you to refile it unless you can make it better. I trust your judgement.

Well that's all I have for now and I pray that something good happens for us with this new initiative that you all are doing.

Sincerely,  
Terrell

Defendant's first career offender predicate was a possession with intent to deliver cocaine case from 1998, when he was just 20 years old. That case ~~involved~~ involved 18.7 grams of cocaine, or 16 rocks, not an amount indicative of a large scale dealer.

The Sentencing Commission has acknowledged in recent fifteen year report, that when career offender status is based on relatively minor drug offenses, the guidelines may create a sentence greater than necessary.

United States v. Fernandez. 436 F. Supp. 2d 983, 989 (E.D. Wis. 2006) Citing U.S. Sentencing Commission fifteen years of Guideline Sentencing 133-34.

Britt, this is something I came across that I thought was interesting, because the cases they used to career me were from 1987 and involved a similar amount of drugs, if not less. At the time I was only 24 years old. When I was sentenced those cases were 21 years old.

1-15-18

Britt, On March 26 it will be 10 years that I have been incarcerated and I am no closer to going home than I was the day that I was arrested. You hold on to the hope of one day walking out of here alive and not in a box, but there's always that doubt that you may not.

I am trying to remain positive and see the world through the view of the glass being half full so that I will eventually see my situation from the other side, things are particularly difficult for me right now. I try to remind myself that I will recover from this instance. I just think back on a time and remember how it felt when I was sentenced to life and thought things couldn't get any worse and remind myself that I recovered from that instance and pray that I will recover from this too.

I just don't want to sit here for 15 or 20 years or more and give them the joy of keeping me down for that long. I try to think that this is just a moment in my life and that this moment will pass too. I just pray that it's sooner rather than later.

Sincerely,

Terrell